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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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HN22/1220

EXAMINER

GRASER, J

ART UNIT

PAPER NUMBER

1645

9

DATE MAILED:

12/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.  
**09/355,220**

Applicant(s)  
**Bern et al.**

Examiner  
**Graser, Jennifer**

Group Art Unit  
**1645**



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

☒ Claim(s) 1-22 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-22 are subject to restriction or election requirement.

### Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-14, drawn to a method for the isolation of polysaccharides.

Group II, claim(s) 15 and 16, drawn to a polysaccharide vaccine.

Group III, claim(s) 17-18, drawn to a conjugate.

Group IV, claim(s) 19 and 20, drawn to a combination vaccine.

Group V, claim(s) 21 and 22, drawn to a use of a polysaccharide as an intermediate product for producing a vaccine.

2. The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical feature of Group I is a method for isolating polysaccharides. The special technical feature of Group II is a vaccine comprising a polysaccharide and a pharmaceutically acceptable carrier. The special technical feature of Group III is a conjugate comprising a protein and a polysaccharide. The products of Groups II and III are biologically,

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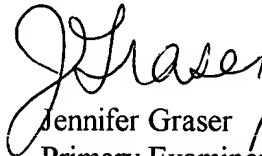
chemically and structurally different and would produce a completely different immune response and therefore these Groups lack the same or corresponding special technical feature. Further, the method of Group I does not include a method for producing a conjugate and therefore lacks the same or special technical feature of Group III. The special technical feature of Group IV is a combination vaccine which includes a polysaccharide, a protein and another immunogenic component. The product of Group IV is biologically, chemically and structurally different and would produce a completely different immune response than the products of Groups II and III; therefore, these Groups II, III and IV lack the same or corresponding special technical feature. Further, the method of Group I does not include a method for producing a combination vaccine and therefore lacks the same or special technical feature of Group IV. The special technical feature of Group V is a use of a polysaccharide as an intermediate for production of a conjugate or combination vaccine. This use is different from the method of Group I which is a method for producing a polysaccharide. Accordingly, Groups I and IV lack the same or corresponding special technical feature. Additionally, the use of the products of Groups II, III and IV are as vaccines and not as intermediates in a process. Accordingly, Groups II, III and IV lack the same or corresponding special technical feature with Group V.

3. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 1645 Fax number is (703) 308-4242 which is able to receive transmissions 24 hours/day, 7 days/week.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Graser whose telephone number is (703) 308-1742. The examiner can normally be reached on Monday-Friday from 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith, can be reached on (703) 308-3909.

  
Jennifer Graser  
Primary Examiner  
Art Unit 1645  
*2/18/20*